

Overview of the Licensed Site Remediation Professional (LSRP) Program

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Site Remediation Reform Act (SRRA)

The Site Remediation Reform Act (SRRA, N.J.S.A. 58:10C) set forth sweeping changes to the way in which sites are remediated in New Jersey. SRRA established the affirmative obligation for responsible parties to remediate contaminated sites in a timely manner. In order to achieve this goal SRRA created a category of remediation professionals known as Licensed Site Remediation Professionals (LSRP). LSRPs will "step into the shoes" of the Department of Environmental Protection (Department) to oversee the remediation of contaminated sites in most instances. SRRA requires that the LSRP must comply with all remediation statutes and rules and consider guidance when making remediation decisions.

In order to implement the statute, on November 4, 2009 the Department adopted interim rules. The Administrative Requirements for the Remediation of Contaminated Sites (ARRCS, N.J.A.C. 7:26C), and the Technical Requirements for Site Remediation (Technical Requirements, N.J.A.C. 7:26E) as well as updates to several other Department rules were part of those interim rules. Go to <http://www.nj.gov/dep/srp/regs/> for more detailed information about these rules.

Under this new remediation paradigm, in most instances the remediating party need not wait for DEP direction and pre-approvals to commence and continue cleanups. Instead they must initiate and complete the cleanup under the direction of an LSRP, who will have responsibility for oversight of the environmental investigation and remediation. The Department will monitor the remediation progress and the actions of LSRPs by requiring the submittal of forms and reports as remediation milestones are reached.

Phase in of the LSRP Program

SRRA provides a three year phase in period for persons responsible for conducting the remediation to cleanup sites under the new LSRP remediation paradigm. The program will be fully implemented by May 7, 2012. During this phase in period, existing cases (cases where remediation was initiated before November 4, 2009 and are being continuously remediated) can continue under the traditional remediation paradigm with an assigned case manager who will oversee and approve each phase of remediation prior to the person moving on to the next phase, with the goal of receiving a Department issued No Further Action (NFA) determination when all remediation requirements are fulfilled. Alternatively, existing cases may "opt in" to the LSRP program by hiring an LSRP and notifying the Department accordingly. All parties remediating new cases (remediation initiated on or after November 4, 2009) must hire an LSRP and remediate under the new program. Effective May 7, 2012 when the LSRP program is fully implemented, all remediating parties will be required to retain an LSRP and remediate their site under the new LSRP paradigm, regardless of when the cleanup was initiated.

Roles and Responsibilities

The Department's role in the LSRP program is to regulate responsible parties through its remediation regulations including ARRCS, Technical Requirements, Underground Storage Tank

rules (N.J.A.C. 7:14B), the Industrial Site Remediation Act rules (N.J.A.C. 7:26B), and the Remediation Standards rules (N.J.A.C. 7:26D). This includes inspecting and reviewing LSRP submittals to ensure that remediation work is completed in accordance with the Department's applicable standards and regulations.

The Responsible Party's role in the LSRP program is to remediate contaminated sites in accordance with the Department's applicable standards and regulations. Responsible parties are required to hire LSRPs that will oversee remediations and issue Response Action Outcome letters (RAO) when remediations are complete.

The LSRP's role in the LSRP program is to oversee the remediation of contaminated sites in accordance with the Department's applicable standards and regulations for responsible parties. They are subject to a strict code of conduct established by statute and regulation and must ensure that remediations are protective of human health, safety and the environment. The conduct of LSRPs is overseen by the Site Remediation Professional Licensing Board.

The Site Remediation Professional Licensing Board's role in the LSRP program is to establish licensing requirements for site remediation professionals and oversee the licensing and performance of site remediation professionals. The vision of the board is to provide an effective licensing program for site remediation professionals that facilitates cleanup of sites in a manner that is protective of public health and safety and the environment, and ensures the competency of Licensed Site Remediation Professionals.

Regulatory and Mandatory Time Frames

Regulatory time frames are the time periods specified in the Department's Technical Requirements rules within which all persons responsible for conducting remediation must complete specified remedial activities. Failure to comply with regulatory time frames may result in an enforcement action by the Department. The person may request an extension of a regulatory time frame for good cause by submitting an Extension Request Form to the Department. The remediating party may assume the extension is "granted" unless they hear otherwise from the Department. During the transition period, the Department is utilizing "compliance assistance" (see below) for all new cases and for existing cases that "opt in." This means that the Department will work with persons responsible for conducting the remediation in order to help the person remain in compliance with the Department's remediation rules. However, if after receiving compliance assistance from the Department the person still misses a regulatory time frame or extension thereof, the person may be exposed to enforcement actions and penalties pursuant to the ARRCS rules, N.J.A.C. 7:26C-9.

Mandatory time frames are the time periods specified in the Department's ARRCS rules, N.J.A.C. 7:26C-3.3 within which all persons responsible for conducting remediation must complete certain remedial activities. Establishment of these time frames is mandated in SRRA at N.J.S.A. 58:10C-28. Failure to comply with mandatory time frames will make the person conducting remediation subject to direct Department

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oversight pursuant to SRRA (see N.J.S.A. 58:10C-27). Currently, there are four rule requirements that have two-year mandatory time frames. These requirements are:

- The submission of a Preliminary Assessment/Site Investigation report, if one is required;
- The submission of an initial Receptor Evaluation Report/Form;
- The initiation of Immediate Environmental Concern (IEC) source control, if an IEC condition is discovered at a site (see IEC Guidance for definition of IEC); and
- The installation and operation of a free product (LNAPL) recovery system, if free product is discovered at a site.

Persons responsible for conducting the remediation may request an extension of a mandatory time frame for good cause as described in the ARRCs rules, N.J.A.C. 7:26C-3.5, by submitting an Extension Request Form to the Department at least 60 days prior to the expiration date. These rules require that the person requesting the extension continue with the remediation until receiving a written response from the Department. As noted above, the violation of a mandatory time frame will expose the remediating party to direct Department oversight. Direct Department oversight requires that a Remediation Trust Fund be established and involves a greater level of Department control over the remediation which is significantly more onerous than the current case manager process. Go to www.nj.gov/dep/srp/guidance/srra/direct_oversight.pdf for more information regarding the Department's definition of direct oversight.

Expedited Site Specific Time Frames

SRRA allows the Department to establish expedited site specific time frames at N.J.S.A. 58:10C-28a and the Department has included the regulatory requirements for these at N.J.A.C. 7:26C-3.4. Expedited site specific time frames may be established when the Department determines that expedited action is necessary to protect public health, safety and the environment or based on the compliance history of the remediating party. The remediating party will be notified by the Department when this occurs.

Inspection and Review Process

Under the new LSRP program, every document that is submitted by an LSRP, up to and including a Response Action Outcome (RAO), is inspected by the Department. When certain conditions exist these documents may undergo a more detailed review. The Department is committed to completing these inspections/reviews in a timely manner. To date, the average time to complete the inspection/review of an RAO is less than 30 days.

It is important to note that an RAO issued by the LSRP is equivalent to the NFA letter issued by the Department.

SRRA "Three Year Reopener" Provision

Pursuant to N.J.S.A. 58:10C-25, the Legislature directed the Department not to audit a Response Action Outcome (RAO) more than three years after the date the LSRP filed the RAO with the Department, unless:

1. Undiscovered contamination is found on a site for which an RAO has been filed;
2. The Site Remediation Professional Licensing Board conducts an investigation of the LSRP; or
3. The LSRP who issued the RAO has had their license suspended or revoked by the Board. In this case, the RAO can be audited at any time.

As was the case with No Further Action letters, if new information comes to light about a remediated site and the Department determines that the site conditions are no longer protective of public health and the environment, the Department may invalidate the RAO. The details of this process are being developed under the final ARRCs rule.

Compliance Assistance

As noted above, as part of the transition process, the Department is employing a "compliance assistance" approach for new cases and "opt in" cases. This means that in the case review process if there is any question about a report or form submitted to the Department, the inspector and/or reviewer will contact the LSRP by phone or email as needed to discuss and resolve any issue concerning the submittal. While in compliance assistance mode, the Department will not send deficiency letters which could result in multiple rounds of reports and reviews. Instead, the Department has committed to working with LSRPs and persons responsible for conducting remediation to ensure that sites undergoing remediation are protective of public health and the environment. If more technical advice is required the person responsible for conducting the remediation and/or the LSRP can schedule a technical consultation with the Department to address the issues and concerns in a timely manner. Remediating parties that "opt in" may retract existing submittals to the Department and have their LSRP remedy any deficiencies previously identified by the Department. More information about opting in can be found at http://www.nj.gov/dep/srp/srra/lsrp/opt_in.htm, and information regarding technical consultations can be found at http://www.nj.gov/dep/srp/srra/technical_consultation.

Remediation Funding Source and Financial Assurance

Remediation Funding Sources (RFS) are Department approved financial mechanisms required to be established and maintained to secure the appropriate funding to ensure completion of the remediation at a contaminated site. An RFS is required to be established for industrial establishments being remediated pursuant to ISRA upon the Department's approval or the LSRP's certification of a Remedial Action Workplan, or as required pursuant to an ISRA Remediation Agreement or an Administrative Consent Order. The RFS must be maintained until such time as an NFA is issued or an RAO is filed. There is a required annual one percent (1%) surcharge payment associated with the RFS financial mechanisms except for the self-guarantee mechanism. Financial Assurances (FA) are Department approved financial mechanisms required to be established when applying for a Remedial Action Permit that includes engineering

controls to secure the appropriate funding to ensure the maintenance of all engineering controls at a contaminated site. The FA does not require an annual one percent (1%) surcharge payment. The self-guarantee mechanism may not be used to satisfy the FA requirements. There are several remediating parties that are exempt from this requirement. Please go to the following webpage for additional details <http://www.nj.gov/dep/srp/srra/training/>

Due Diligence

A person who is conducting due diligence at a site is not required to hire an LSRP to perform the due diligence as long as the person

1. Does not own the site in question,
2. Conducts the preliminary assessment and site investigation (if the preliminary assessment indicates that a site investigation is required) of the site for the purpose of conducting all appropriate inquiry into previous ownership and uses of the property; and
3. Has not discharged a hazardous substance at the site and is not in any way responsible for a hazardous substance discharged at the site.

Remediation of Unregulated Heating Oil Tanks (UHOT)

The owner or operator of an unregulated heating oil tank (UHOT) may choose to hire either an LSRP or a subsurface evaluator certified pursuant to the UST rules (see N.J.A.C. 7:14B). Currently, mandatory time frames do not apply to these cases nor is a preliminary assessment required. The Department is developing regulations specific to UHOT remediation that are expected to be proposed by Summer 2011.

Contact Information

If you have any questions regarding the information contained in this document or any of the SRRA overview materials please contact Karen Ricciardi at 609-292-5299 or by email at Karen.Ricciardi@dep.state.nj.us

You may also consult with your environmental professional to learn more about the LSRP program.

If you have questions on other site remediation topics please use SRP's Contacts list provided at http://www.nj.gov/dep/srp/srra/srra_contacts.htm

Disclaimer

NJDEP has prepared this document to provide general information about the LSRP program. No one should consider this document as a sole source of information sufficient in itself to dictate any outcome or decision on the remediation of a contaminated site. Rather, this material should be utilized as a resource tool to highlight key points of the Site Remediation Reform Act, and the LSRP Program in anticipation of its full implementation in May 2012.

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(f) The person responsible for conducting the remediation shall submit a remedial action workplan prepared pursuant to N.J.A.C. 7:26E-5.6 or a corrective measures study work plan prepared pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 et seq., to the Department for approval when the remediation is being conducted:

1. Partially or solely to satisfy the obligations under the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 et seq., is a priority site under the Government Performance and Results Act, 40 U.S.C. §§ 11101 et seq., and the U.S. Environmental Protection Agency is the lead agency for the remediation.;

2. At a site on the National Priorities List pursuant to the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. §§ 9601; or

3. At a Federal facility that seeks or is required to obtain the Department's remedial concurrence.

7:26E-5.2 Specific remedial action requirements

(a) The person responsible for conducting the remediation shall:

1. Select a remedial action that will prevent further exposure of any receptor to any residual contamination;

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2. Develop and implement a monitoring program that will effectively monitor the performance of the remedial action;
3. Demonstrate compliance with the remediation standard or ecological risk-based remediation goal established pursuant to N.J.A.C. 7:26E-4.8 by:
 - i. Collecting a sufficient number of samples in appropriate locations to confirm the effectiveness of the remedial action:
 - ii. Collecting samples using appropriate sampling methods; and
 - iii. Analyzing samples for the contaminants of concern using appropriate analytical methods;
4. File a deed notice pursuant to N.J.A.C. 7:26C-7.2 when implementing a soil remedial action where the residual contaminant concentrations remaining will exceed the residential direct contact soil remediation standards; and
5. Obtain and comply with a remedial action permit pursuant to N.J.A.C. 7:26C-7 for a restricted use or limited restricted use remedial action.

Site Remediation Reform Act (SRRA) Implementation: Process for RCRA, CERCLA and Federal Facility Sites

This is to advise you of the latest changes during the implementation of the Site Remediation Reform Act as it relates to oversight of the Resource Conservation and Recovery Act (RCRA) for both Government Performance and Results Act (GPRA) 2020 universe sites (listed at <http://www.epa.gov/epawaste/hazard/correctiveaction/pdfs/2020scc.pdf>) and non-GPRA 2020 sites, Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) sites, and other Federal Facilities.

The New Jersey Department of Environmental Protection (Department), in consultation with the U.S. Environmental Protection Agency (EPA), has determined that a Licensed Site Remediation Professional (LSRP) will not be required to be hired for these sites in certain circumstances. **An LSRP will not be required to be hired for the RCRA GPRA 2020 universe sites where EPA is the lead agency.** The Department will continue its role as support agency and conduct document reviews in the traditional manner. DEP will issue comments to EPA and the final approval document will be the EPA Approval.

At sites on EPA's RCRA GPRA 2020 universe list where the **Department is the lead agency,** the person conducting the remediation will be required **to hire an LSRP no later than May 7, 2012.** However, the RCRA GPRA sites will **continue to have Department staff assigned to** oversee the remediation and the remediation may not move forward without Department prior approvals. The DEP lead RCRA GPRA sites are subject to mandatory and regulatory timeframes, and the person responsible for conducting the remediation will continue to be required to pay the Department's oversight costs pursuant to N.J.A.C. 7:26C-4.5, but will not be required to pay the new annual remediation fee.

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At RCRA sites **not on EPA's RCRA GPRA 2020 universe list,** an LSRP must be hired no later than May 7, 2012 and the Department will no longer provide traditional oversight as of that date. These sites will be subject to the standard LSRP program inspections and reviews and regulatory and mandatory timeframes. LSRPs will issue response action outcomes (RAOs) and the person responsible for conducting the remediation will be required to pay the annual remediation fee.

At CERCLA sites where **EPA is the lead agency** and at **Federal Facilities** under Federal agreements an **LSRP will not be required to be hired.** At CERCLA sites where the **Department is the lead agency,** the person conducting the remediation will be required **to hire an LSRP no later than May 7, 2012.** CERCLA sites and Federal Facilities will undergo traditional Department oversight and the person responsible for conducting remediation will not be required to pay the annual remediation fee. If remediation at CERCLA sites is being conducted under a Federal order or agreement, they will not be required to comply with regulatory and mandatory timeframes.

However, while an RAO is not required by the Department, if a party would like a Final Remediation Document for a property sale or any other purpose on or after May 7, 2012, the party must obtain an RAO prepared by an LSRP.

Please see the attached chart. For more information contact Steve Maybury at 609-633-1455 or Steve.Maybury@dep.state.nj.us.

Type of Federal Case	Required to hire LSRP by May 2012 ¹ and comply with timeframes ⁴	DEP support or oversight	Case Manager Assigned	Fees	Final approval document
RCRA GPRA 2020 EPA lead	No	Traditional Oversight ²	Yes	None, Federal Grant	EPA Approval
RCRA GPRA 2020 DEP lead	Yes	Traditional Oversight	Yes	Oversight costs	DEP Remedial Action Approval
RCRA (not on GPRA 2020 list)	Yes	DEP inspects/reviews LSRP submittals	No	Annual Remediation Fee	RAO
CERCLA EPA lead	No	Traditional Oversight	Yes	None, Federal Grant	EPA Approval
CERCLA DEP lead –RP	Yes	Traditional Oversight	Yes	Oversight costs	DEP Remedial Action Approval
Federal Facilities ³ (i.e., DOD, FAA)	No	Traditional Oversight	Yes	DSMOA cost reimbursement	DEP Remedial Action Approval

¹If a final remediation document is desired at any site on or after May 7, 2012 an LSRP would have to issue an RAO subsequent to DEP/EPA approval of the remediation.

²Traditional Oversight means Department pre-approvals are required as remediation progresses.

³Federal Facilities may choose to follow the LSRP submittal inspection/review process instead of traditional oversight unless they are also RCRA or CERCLA sites as noted above.

⁴Remediation occurring under a Federal order which includes specified timeframes will not be required to comply with the mandatory and regulatory timeframes specified in SRRA.

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(b) The person responsible for conducting the remediation shall submit to the Department a remedial investigation report, along with a form found on the Department's website at www.nj.gov/dep/srp/srra/forms, according to the applicable regulatory timeframe in N.J.A.C. 7:26E-4.10.

* 7:26E-4.10 Remedial investigation regulatory timeframes

(a) The person responsible for conducting the remediation shall complete the remedial investigation and submit a remedial investigation report by May 7, 2014 for a site where a discharge was discovered prior to May 7, 1999.

need to
submit
to DEP
in time
for approval
by 5/7/14

(b) Except as provided in (e) below or N.J.A.C. 7:26E-1.11(a)8ix, or as extended under (c) and (d) below, the person responsible for conducting the remediation shall complete the remedial investigation and submit to the Department a remedial investigation report prepared pursuant to N.J.A.C. 7:26E-4.9 by the earliest applicable regulatory timeframe as follows:

1. The person responsible for conducting the remediation who is remediating the industrial establishment pursuant to the Industrial Site Recovery Act, N.J.S.A. 13:1K-6 et seq., and the Industrial Site Recovery Act rules, N.J.A.C. 7:26B, shall complete the remedial investigation and submit a remedial investigation report as follows:

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i. For the remediation of an industrial establishment with only soil contamination:

(1) By March 1, 2015, where the earliest applicable requirement to remediate pursuant to N.J.A.C. 7:26C-2.2 occurred between May 7, 1999 and March 1, 2010; or

(2) Within three years after the earliest applicable requirement to submit a preliminary assessment and site investigation report pursuant to N.J.A.C. 7:26E-3.15(b)1 where the earliest applicable requirement to remediate pursuant to N.J.A.C. 7:26C-2.2 occurred on or after March 2, 2010;

ii. For the remediation of an industrial establishment with contaminants in soil and/or any other medium:

(1) By March 1, 2017, where the earliest applicable requirement to remediate pursuant to N.J.A.C. 7:26C-2.2 occurred between May 7, 1999 and March 1, 2010;

(2) Within five years after the earliest applicable requirement to submit a preliminary assessment and site investigation report pursuant to N.J.A.C. 7:26E-3.15(b)1 where the earliest applicable requirement to remediate pursuant to N.J.A.C. 7:26C-2.2 occurred on or after March 2, 2010; or

iii. As ordered by a court or the Department;

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13. A description of each permit required and obtained to implement the remedial action.

7:26E-5.9 Remedial action regulatory timeframes

(a) The person responsible for conducting the remediation shall complete the implementation of the remedial action, within the applicable regulatory timeframe listed in (b) below, by:

1. Implementing all remedial actions required to address the contamination at a site, pursuant to the requirements of this subchapter;

2. Submitting a remedial action report for all remedial actions at the site to the Department pursuant to N.J.A.C. 7:26E-5.8; and

3. Causing a licensed site remediation professional to submit a final remediation document to the Department pursuant to the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-6.2.

(b) The person responsible for conducting the remediation shall complete the implementation of the remedial action for a contaminated site within the following timeframes:

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1. For the remediation of a discharge that only resulted in soil contamination, within three years after the earliest applicable regulatory timeframe in N.J.A.C. 7:26E-4.10 to submit a remedial investigation report; or

2. For the remediation of all other contamination, within five years after the earliest applicable regulatory timeframe in N.J.A.C. 7:26E-4.10 to submit a remedial investigation report.

(c) Any person responsible for conducting remediation who is not subject to liability under N.J.S.A. 58:10-23.11g and is one of the following, is exempt from the regulatory timeframes outlined in (b) above:

1. A non-profit organization that meets the definition set forth at 26 U.S.C. §501(c)3 unless that organization is established by or funded by another person who is subject to liability under N.J.S.A. 58:10-23.11g for that site; or

2. A government entity that is exempt from liability pursuant to N.J.S.A. 58:10-23.11g.d(4).

(d) The person responsible for conducting the remediation may request an extension of the applicable regulatory timeframe in (b) above, pursuant to the procedure outlined in the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-3.2.

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I. Summary of Regulatory and Mandatory Timeframes

On November 4, 2009, the Department established regulatory and mandatory timeframes for a number of remediation requirements. These timeframes were established by the Council's Adoption and apply to ALL cases with a few exceptions that are noted below.

The Department is proposing to amend several timeframes and rule requirements in a rule proposal published in the October 4, 2010 New Jersey Register. These changes are also the subject of a Compliance Advisory that was published on the Department's Web site on the same date. For more information regarding rule requirements, please refer to the SRP Rules and subject-specific Quick Reference Guides.

Proposed changes to timeframes and rule requirements are noted in **bold** below.

Remediation Requirement	Regulatory Timeframe	TECH RULE Citation	ISRA Citation	UST Citation	Mandatory Timeframe	ARRCS Citation
Public Participation and Notification Requirements						
Notify the Department of discharge	Immediately after discharge is identified (15 min)	7-26E-1.4(a)		7-14B-7.3(a)		
Submit written documentation of the discharge (Confirmed Contamination Form or GIN)	Within 5 days after discharge is identified or remediation is initiated pursuant to ISRA or UST	7-26E-1.4(d)	7-26B-3.2(a)			
Notify the Department prior to sampling potable wells or indoor air	7 days prior to sampling event	7-26E-1.4(e)				
Post sign or send letters for public notification and submit documentation	14 days prior to initiation of field activities associated with the RI or single phased RA	7-26E-1.4(i)(2), (i)(1)				
If letters are used, distribute updated notification letters and submit documentation	Every 2 years until final remediation document is filed or issued	7-26E-1.4(i)(2), (i)(5)				
Distribute fact sheet	Within 14 days after off-site contamination is identified	7-26E-1.4(i)(5)				
Publish fact sheet in newspaper, submit documentation	Within 30 days after off-site contamination is identified	7-26E-1.4(i)(5), (i)(6)				

LSRP Retention Requirements						
Submit LSRP retention form ¹	Within 45 days after discharge or initiation of remediation					7-26C-2.4(a)
Light Non-aqueous Phase Liquid (LNAPL) Requirements						
Notify Department when LNAPL is identified and initiate free product recovery ²	By March 1, 2010 or 60 days after date of LNAPL is identified, whichever is later	7-26E-1.12(b)(1)				
Submit LNAPL recovery system report ³	If LNAPL is identified before March 1, 2010 submit report by March 1, 2011 If LNAPL is identified on or after March 1, 2010 submit report within 1 year after LNAPL is identified (Proposed regulatory time frame changed from 270 days to 1 year)	7-26E-1.12(b)(2) (Citation will not be changed)			If LNAPL is identified before March 1, 2010 submit report by March 1, 2012 If LNAPL is identified on or after March 1, 2010 submit report within 2 years after LNAPL is identified (Proposed mandatory time frame changed from 1 year to 2 years)	7-26C-3.3(a)(4) (Old citation - 7-26C-3.3(a)(3))
Immediate Environmental Concern (IEC) requirements						
Notify Department of IEC	Immediately after IEC condition is identified	7-26E-1.14(b)(1)				
Mitigate potable water or direct contact IEC	Within 5 days after identifying IEC condition	7-26E-1.14(b)(2) and (i)				
Mitigate Vapor Intrusion IEC (indoor air level above rapid action level) ⁴	Within 14 days after identifying IEC condition (Proposed regulatory time frame changed from 5 to 14 days)	7-26E-1.14(b)(2)(i) (Citation will not be changed)				
Mitigate soil IEC	Within 5 days after identifying IEC condition	7-26E-1.14(b)(2)(ii)				
Submit IEC form, spreadsheet, map and data ⁵	Within 14 days after IEC identifying IEC condition ¹	7-26E-1.14(b)(3)				

	(Proposed regulatory time frame changed from 5 to 14 days)	(Citation will not be changed)				
Submit all indoor air data to NJDHSS ²	Within 14 days after IEC identifying IEC condition ² (Proposed regulatory time frame changed from 5 to 14 days)	7:26E-1.14(b)4 (Citation will not be changed)				
Install an IEC engineered system response ²	Within 60 days after identifying indoor air levels that exceed the vapor intrusion rapid action level (RAL) (Proposed trigger changed from the indoor air screening level to the RAL.)	7:26E-1.14(b)5 (Citation will not be changed)				
Submit IEC engineered system response report	Within 120 days after identifying IEC condition	7:26E-1.14(c)				
Initiate IEC source control & submit report ²	If IEC condition is identified before March 1, 2010 initiate source control and submit report by March 1, 2011 If IEC condition is identified on or after March 1, 2010 initiate source control and submit report within 1 year (Proposed regulatory time frame changed from 270 days to 1 year)	7:26E-1.14(d) (Citation will not be changed)		If IEC condition is identified before March 1, 2010 initiate source control and submit report by March 1, 2012 If IEC condition is identified on or after March 1, 2010 initiate source control and submit report within 2 years (Proposed mandatory time frame changed from 1 year to 2 years)	7:26C-3.3(a)4 (Old citation - 7:26C-3.3(a)3)	
Receptor Evaluation Requirements - general						
Submit a completed initial receptor evaluation ^{2, a, 3}	If remediation is initiated before March 1, 2010 submit initial receptor evaluation by March 1, 2011	7:26E-1.15(c)		If remediation is initiated before March 1, 2010 submit initial receptor evaluation by March 1, 2012	7:26C-3.3(a)2	

	If remediation is initiated on or after March 1, 2010 submit initial receptor evaluation within 1 year ² (Proposed regulatory time frame changed from 270 days to 1 year)	(Citation will not be changed)			If remediation is initiated on or after March 1, 2010 submit initial receptor evaluation within 2 years ² (Proposed mandatory time frame changed from 1 year to 2 years)	(Old citation - 7:26C-3.3(a)3)
Receptor evaluation - Potable Water Requirements						
Conduct a well search as part of the ground water receptor evaluation	Within 90 days after ground water contamination is detected	7:26E-1.17(a)1				
Conduct ground water sampling as part of the ground water receptor evaluation	Within 120 days after ground water contamination is detected	7:26E-1.17(a)2				
Delineate ground water and continue to identify and sample potential receptors	Within 14 days after completion of first round of sampling	7:26E-1.17(b)2				
Submit potable well data to the Department and notify well owners	Within 14 days after receipt of analytical results	7:26E-1.17(c)				
Receptor evaluation - Vapor Intrusion (VI) Requirements						
Identify structures and other information for vapor intrusion investigation	Within 60 days after determining the need to conduct a vapor intrusion investigation	7:26E-1.18(b)				
Conduct required VI sampling	Within 150 days determining the need to conduct a vapor intrusion investigation	7:26E-1.18(c)				
If indoor air samples do not exceed any indoor air screening level submit analytical results to the Department and DHSS, if LSRP, conduct notification	Within 14 days after receipt of analytical data	7:26E-1.18(d)				
Delineate ground water and continue to identify and sample potential receptors	Within 14 days after completing the first round of sampling	7:26E-1.18(e)				

Notify the Department of indoor air levels between the indoor air screening level and the rapid action level ² (Being referred to as a Vapor Concern case)	Within 14 days after receipt of analytical data	7:26E-1.18(f)ii (New citation)				
Submit a plan to mitigate vapor intrusion impacts ² (Being referred to as a Vapor Concern case)	Within 60 days after receipt of analytical data	7:26E-1.18(f)iii (New citation)				
Implement the vapor intrusion mitigation plan ² (Being referred to as a Vapor Concern case)	Within 120 days after receipt of analytical data	7:26E-1.18(f)iii (New citation)				
Submit report on the mitigation system ² (Being referred to as a Vapor Concern case)	180 days after receipt of analytical data	7:26E-1.18(f)iv (New citation)				
Remedial Phase Report Requirements						
Submit clean PA report	By June 1, 2010 or 90 days after ISRA trigger	7:26E-3.1(e)	7:26B-6.1(b)			
Submit PA/SI report if required pursuant to ISRA or UST	If remediation is initiated before March 1, 2010 submit report by March 1, 2011 If remediation is initiated after March 1, 2010 submit report within 1 year (Proposed regulatory time frame changed from 270 days to 1 year)	7:26E-3.3(e) (Citation will not be changed)	7:26B-6.1(c)	7:14B-7.4, 9.4, 9.5(a) and 10.2	If remediation is initiated before March 1, 2010 submit report by March 1, 2012 If remediation is initiated after March 1, 2010 submit report within 2 years (Proposed regulatory time frame changed from 1 year to 2 years)	7:26C-3.3(a)1 (Old citation—7:26C-3.3(a)3)
Submit RIWP	270 days after initiation of remediation		7:26B-6.1(d)			
Submit Remedial Investigation Report	• 420 days after ISRA trigger • By November 26, 2010 or 270 days after discovery of UST discharge, whichever		7:26B-6.1(e)	7:14B-8.3(a) 7:14B-8.3(e)		

	is later • 90 days after approval of UST remedial investigation workplan					
Submit Remedial Action Workplan	420 days after initiation of ISRA remediation		7:26B-6.2(h) 7:26B-6.3			
Implement Remedial Action for Soil	420 days after initiation of ISRA remediation		7:26B-6.2(c)			

Footnotes

1. This requirement only applies when a person initiates remediation on or after 11/4/09 and when a person decides to opt into the LSRP program in accordance with N.J.A.C. 7:26C-2.3(b).
2. The Department has changed the definition of IEC for vapor intrusion. Indoor air levels greater than the Rapid Action Levels (Table 2 of the Department's Vapor Intrusion Guidance) will be considered an IEC. Indoor air levels between Indoor Screening Levels and Rapid Action Levels are required to be addressed in accordance with regulatory timeframes.
3. Initial receptor evaluation shall contain the information that is known by the person responsible for conducting the remediation at the time the report is submitted.

